

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

**BRYCE ANSLEY, MICHAEL CULLINAN, III §
PHILIP JORDAN, JR., BRENNI LLOYD, §
SHALACE MCLEOD, MATTHEW MOORE, §
ERIC RICHARDSON, ASIA STEED-POOSER, §
SHAWNA TAYLOR, RYAN WILLIAMSON §**

Plaintiffs,

v.

**BONNAROO RESTAURANT GROUP II, LLP. §
and HIELAN PAYROLL, LLC §**

Defendants.

**Civil Action
No. _____**

NOTICE OF REMOVAL

**TO: The Honorable Judge of the United States District Court for the
Southern District of Georgia, Augusta Division**

Defendants, BONNAROO RESTAURANT GROUP II, LLP. and HIELAN
PAYROLL, LLC (“Defendants”), pursuant to 28 U.S.C. §§1441 and 1446,
respectfully file this *Notice of Removal* of this action from the Superior Court of

Augusta-Richmond County, State of Georgia, where it is now pending to this Court.

Introduction

1. This Court has jurisdiction over this action, which is removable under 28 U.S.C. §1441(a)(1), because Plaintiffs are asserting claims for relief under the Fair Labor Standard Act, 29 U.S.C. §201, et. seq. (“FLSA”).

Parties

2. Plaintiff Bryce Ansley has alleged that he is a resident of Georgia.
3. Plaintiff Michael Cullinan III has alleged that he is a resident of Georgia.
4. Plaintiff Philip Jordan, Jr. has alleged that he is a resident of Georgia.
5. Plaintiff Brenli Lloyd has alleged that she is a resident of Georgia.
6. Plaintiff Shalace Mcleod has alleged that she is a resident of Georgia.
7. Plaintiff Matthew Moore has alleged that he is a resident of Georgia.
8. Plaintiff Erik Richardson has alleged that he is a resident of Georgia.
9. Plaintiff Asia Steed-Pooser has alleged that she is a resident of Georgia.
10. Plaintiff Shawna Taylor has alleged that she is a resident of Florida.
11. Plaintiff Ryan Williamson has alleged that he is a resident of Georgia.

12. Defendant Bonnaroo Restaurant Group II, L.P. is a Texas Limited Partnership with its principal place of business in Texas.

13. Defendant Hielan Payroll, LLC is a Texas Limited Liability Company with its principal place of business in Texas.

Factual Background

14. On September 10, 2014, Plaintiffs commenced an action in the Superior Court of Augusta-Richmond County, State of Georgia, entitled *Bryce Ansley, Michael Cullinan, III, Philip Jordan, Jr., Brenli Lloyd, Shalace McLeod, Matthew Moore, Erik Richardson, Asia Steed-Pooser, Shawna Taylor and Ryan Williamson, vs. Bonnaroo Restaurant Group II, L.P and Hielan Payroll, LLC*, which was assigned case number 2014RCCV452. Attached as Exhibit “A” to this Notice of Removal are those documents comprising the file of the action pending in the Superior Court of Augusta-Richmond County, Georgia. Defendants were provided notice of the Plaintiffs’ suit when they received copies of the Complaint and the Summons on October 7, 2014.

15. Plaintiffs allege they are current and former employees of one or more restaurants owned or operated by Defendants. The Plaintiffs are asserting claims for damages under the FLSA.

16. This Court has subject matter jurisdiction over this action. A claim brought pursuant to the FLSA is grounded in federal law and provides this Court

with federal question subject matter jurisdiction. See, 29 U.S.C. §216(b), 28 U.S.C. §1331; and *Palmer v. Hospital Auth. of Randolph County*, 22 F.3d 1559, 1563–64 (11th Cir.1994). Defendants have the right to remove it pursuant to 28 U.S.C. § 1441(a)(1).

Procedural Issues

17. This Notice of Removal is timely filed with this Court pursuant to 28 U.S.C. §1446(b), having been filed within thirty (30) days of service of the summons on Defendants.

18. The venue of this removal action is proper pursuant to 28 U.S.C. §1441(a) and §1441(c) inasmuch as the United District Court for the Southern District of Georgia is the judicial district which includes the Superior Court of Augusta-Richmond County, State of Georgia, where the state court action has been pending.

19. No Act of Congress prohibits the removal of this cause, and the cause is removable under 28 U.S.C. §§ 1441 – 1453.

20. Notice to the Superior Court of Augusta-Richmond County, State of Georgia, which includes a duplicate of this *Notice of Removal* and accompanying attachments, is being filed with the Clerk of the Superior Court of Augusta-Richmond County, State of Georgia as provided by 28 U.S.C. § 1446(d). A copy of said Notice to the Superior Court is attached hereto as Exhibit “B”.

21. Written notice of the filing of this Notice of Removal will be sent to Plaintiffs (who represents the only parties adverse to Defendants in this action), by and through their counsel of record, as further required by 28 U.S.C. § 1446(d). A copy of the Notice to Plaintiffs is attached hereto as Exhibit “C”.

Conclusion

22. For the above reasons, Defendants give notice that the above action, initiated in the Superior Court of Augusta-Richmond County, State of Georgia, is hereby removed to the United States District Court for the Southern District of Georgia, Augusta Division.

Respectfully submitted this 5th day of November, 2014.

/s/ Paul J. Sharman

Paul J. Sharman

Georgia Bar No. 227207

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Attorney for Defendants

/s/ Michael A. Caldwell

Michael A. Caldwell

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**DeLong, Caldwell, Bridgers
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CERTIFICATE OF SERVICE

This will certify that service of a copy of the foregoing *Notice of Removal* has been served by U.S. Mail and by CM/ECF online filing system of the U.S. District Court for the Southern District of Georgia, which will be automatically send email notification to all counsel of records, to the following:

Thomas W. Tucker
Post Office Box 2426
Augusta, GA 32903

This 5th day of November, 2014.

/s/ Michael A. Caldwell
Michael A. Caldwell
Georgia Bar No. 102775